

Entered - 5-12-98- sb  
CL 98L0321 - ALEXIS HOLMES

CLAIM OF: **DIANE MAKEDA JOHNSON**  
929 Jett Street  
Atlanta, Georgia 30314


01- R -1244

For vehicular damages alleged to have been sustained as a result of driving over a sunken sewer lid entrenched within a pothole on November 4, 1997 at Montrose Avenue and Delowe Drive.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **DIANE MAKEDA JOHNSON** the sum of **\$1,575.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for damages alleged to have been sustained as a result of driving over a sunken sewer lid entrenched within a pothole on November 4, 1997 at Montrose Avenue and Delowe Drive** as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0321

Date: 7/16/01

Claimant /Victim DIANE MAKEDA JOHNSON

BY: (Atty)(Ins.) \_\_\_\_\_

Address: 929 Jett Street Atlanta Georgia 30314

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,575.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 4/27/98 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/4/97 Place: Montrose and Delowe

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant sustained damages to her vehicle when she drove over a sunken steel sewer cover that was entrenched within a pothole in the road. The condition of the pothole implied that it had been in poor repair, and that the defect had existed for an extended period of time. The maintenance of sewer lids were within the jurisdiction and the responsibility of the City at the time of this incident.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other \_\_\_\_\_ Written X Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

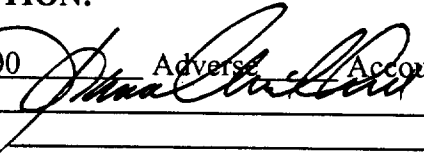
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ 1,575.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 07-17-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

Duplicate

3/21/98

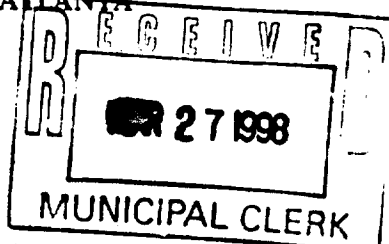
Oatis  
5-4-98  
Dr

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 12-13-97

ENTERED - 5-12-98 - SB  
98L0321 - ANTHONY OATIS



Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1575.00 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 11 4 97 2. Time of Incident: 5 45 PM 3. Police called: \_\_\_\_\_  
(month/day/year) Yes No

4. Location of incident (including street address): Mentrose + Delowe

5. Name of your insurance company: Safe way Insurance Policy No. \_\_\_\_\_

6. State what and how incident occurred: While turning the corner my car hit an unmarked large Pot Hole (bounced like a roller coaster) heard a large metal impact sound car then had a knocking sound and the transmission or other sound. Poured out. Car rolled +

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! Stop

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Vehicle: Chrysler Lebaron 1988 D. Makeda Johnson  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department: Bureau)

9. Witness: AKA M. T. Johnson 404 730-4665  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

D. Makeda Johnson  
Signature of Claimant

Diane Makeda Johnson  
(Print Claimant's Name)

929 Jett Street  
(Address)

Atlanta, GA 30314  
(City, State and Zip Code)

730 4665 699-0472  
(Work Number) (Home Number)

4-577-8700  
(Area)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 98L0321

\$1,575.00

IN CONSIDERATION of the sum of FIFTEEN HUNDRED AND SEVENTY-FIVE AND 00/100  
       DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,  
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,  
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and  
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly  
for or on account of driving over a sunken sewer lid entrenched within a pothole  
which occurred on or about the 4th day of November, 1997,  
at or near Montrose Avenue and Delowe Drive

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this July day of 24, 2001

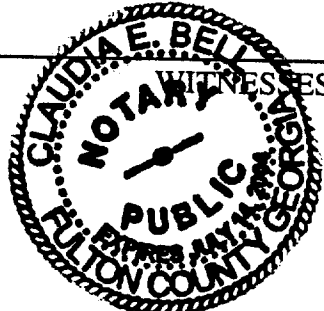
Diane Makeda Johnson (LS)  
DIANE MAKEDA JOHNSON

The above release was read and explained to, and signed by the said Makeda

Johnson on 7/24/2001

in our presence on the date above written.

Claudia Bell 7/24/01



Please Note New Address:  
792 Magnolia Way #301  
Atlanta, Ga 30314

01-R -1244